Budget Amendments and Private Funds

A Report on Requests for Increased-Budget Authority

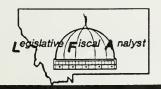
Prepared for the

Legislative Finance Committee

by

Roger Lloyd & LFA Staff

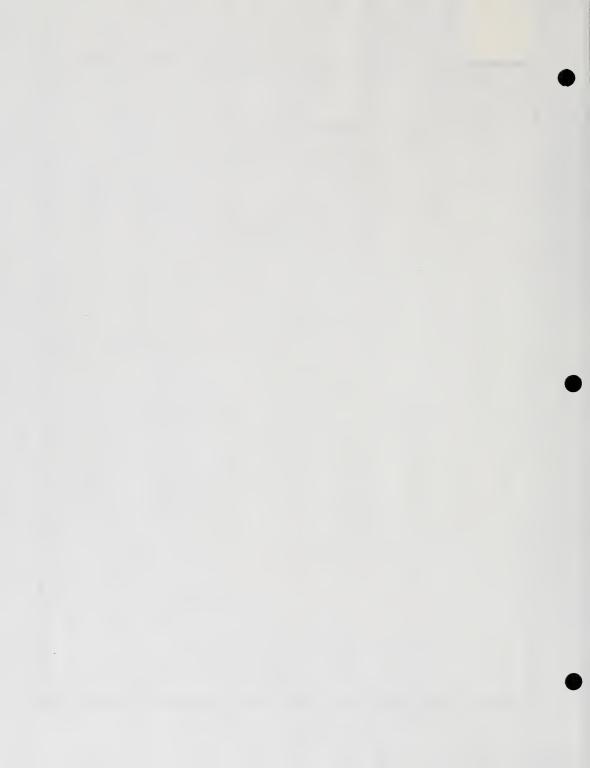
June 9, 1994



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Legislative Fiscal Analyst CLAYTON SCHENCK



Room 105 · State Capitol P.O. Box 201711 Helena, Montana 59620-1711 (406) 444-2986 FAX (406) 444-3036

STATE OF MONTANA Office of the Legislative Fiscal Analyst

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DATE:

June 9, 1994

TO:

Legislative Finance Committee

FROM:

Roger Lloyd

Associate Fiscal Analyst

RE:

Budget Amendments/Requests to Spend Private Funds

The executive branch has certified 22 budget amendments, recertified one budget amendment previously considered by the committee, and submitted two requests to spend private funds for the committee's review. The Board of Regents has certified three budget amendments.

The director of the Office of Budget and Program Planning (OBPP) reported that three budget amendment requests were denied. In addition, the director reported that the executive recommends denial of a budget amendment request from the Office of Public Instruction (OPI), but forwarded the request, without certification, to the Legislative Finance Committee (LFC) for discussion. The budget amendment (#0916) requested \$800,000 of school equalization account funds for higher than anticipated costs of school transportation. A letter to the LFC from OBPP director, Dave Lewis, is attached explaining the reasons for the denial. A letter from the State Superintendent of Public Instruction, Nancy Keenan, is also attached.

As summarized in Table 1, proposed budget amendments would add \$3,298,085 in fiscal 1994, and \$2,552,085 in fiscal 1995 for a total of \$5,850,170. These amendments would add 0.26 FTE in fiscal 1994 and 6.30 FTE in fiscal 1995.

Budget Ame	able 1 ndment Summary 9, 1994	
	Fiscal 1994	Fiscal 1995
Number of Amendments *	12	20
FTE Added	0.26	6.30
State Special	\$0	\$95,000
Federal	259,344	2,263,132
Proprietary	81,000	193,953
Current Unrestricted	2,957,741	. 0
Total	\$3,298,085	\$2,552,085
* 6 amendments request funding for	r both fiscal 1994	and 1995.

As summarized in Table 2, requests to spend private funds would add \$340,000 in fiscal 1995.

	Table 2 Private Funds Summary June 9, 1994	
	<u>Fiscal 1994</u>	Fiscal 1995
Number of Requests	0	2
FIE	0.00	0.00
State Special	\$0	\$340,000

House Bill 23, passed during the 1993 session, established criteria for the acceptance and expenditure by state agencies of certain money from private sources. Before an agency may spend private funds in excess of \$5,000, the approving authority must submit to the LFC a copy of the agreement and a certification containing:

Table 3 lists in numerical order the proposed budget amendments and requests to spend private funds, administering agency, amount, FTE, and a short description for each. Staff have reviewed these requests and raised concerns regarding compliance with statutory criteria on three budget amendments. Attachment A explains the concerns in detail.

[&]quot;(a) the specific service that will be provided; (b) the proposed duration of the agreement; and (c) a statement concerning the degree to which the agreement may result in an ascertainable present or future commitment for general fund support."

Table 3

Budget Amendments & Private Funds June 9-10, 1994 LFC Meeting

			Amount	jen	Total Iviii	::1		2	Concerns
ž	Agency	Punding	IN 1994 IN 1995	17 1995	17 1994 IT 1995	Y 1995	Purpose	Yes	N
Buc	Budget Amendments							-	
8000	Highway Traffic Safety	Federal		40,740		_	Contracted services to improve the Highway Info. System & coordinate agencies using the system	_	×
6000	Crime Control Division	Pederal		20,000			Additional federal funds to payerime webms' benefits	_	×
.00	Crime Control Division	Federal		20,000		_	Enhance capability of division's statistical analysis center	_	×
.1100	Governor's Office	Federal		123,600		90:1	Allow state to accept federal funding for the Montana Rural Development Council Exec. Dir. position	×	
							and associated council capenditures		
0015		Pederal		269,828			Federal funds (Oosla 2000) awarded as grants to local school districts to develop standards	_	×
0013		Federal		179,884		5.00	Federal funds (Goals 2000) to develop state education improvement plan		×
00	_	Federal		75,980			Pederal funds to be used to develop curriculum intergrating the arts with english instruction	_	×
0015	_	Federal		73,000			l'ederal grants to districts to develop cutric dum intergrand the arts with english instruction	_	×
9100		State Special		95,000			Purchase equipment for airport navigation systems		×
0017		Federal		280,000			Federal funds to conduct random testing of fuel samples		×
0018		Federal		103,673			Development of a lead certification program, lead training, and accreditation of the Chemistry Lab		×
6100		l'ederal		110,000			Immunization assessment activities and development of a State Immunization Information System		×
.0700	Dept. of Labor and Industry	Federal		12,221		1.50	Continue study, identification, and initiation of legal proceedings on housing discrimination against	_	×
							Anserican Indians; expenditure of funds originally approved in 1113 4 by 1993 Legislature, but	_	
				0000		3	delay is recorpt of grant funds will extend project into fiscal 1995		
1700	Montaba Instoncal Society	Prophetary		25,000		0.50	Revenue from tales for stall & computer for additional calladogus & imaging per 1/-1-404, MCA	;	
860	_	Federal	24,300	38,000		0.20	Pay line dispatch costs to be reimbursed by USFS that were previously abased along with the revenue	× —	;
2	_	rederal	69,344	433,030	970	01.10	Provider services to workers dislocated by the closure of the Crown Pacific Inland Sawmill	_	×
= 4	Dept. of Labor and Industry	Federal	172,500	258,750			Provider services, such as training, job search or relocation assistance, to workers dislocated by	_	×
							business closures due to receipt of additional Trade Adjustment Act funds	_	
1151		Proprietary	\$1,000	168,953			Pay costs due to increased mail volume and US postage increase	_	×
1155	Historical Society	Proprietary	20,000				Authority to spend additional revenue from sales to print two additional books per 17-7-402, MCA		×
1169	Department of Justice	Pederal	2,000	20,000			Additional federal funds for the Manjuana Eradication Program (\$12,000 in 11B2)		×
1170		Proprietary	10,000				Additional authority to apend funda from monthly legal services billing to client agencies	×	
1173	_	Pederal	20,000				Highway Traffic Safety pilot project with Highway Paired (Helena) to equip cars with laptop computers	_	×
1181	Crime Control Division**	Pederal	(31,800)	31,800			Finhance capebuilty of division's statistical analysis center		×
C002		Cur. Unrest.	293,611				Plant funds, add1 fed. rev., sales and servee rev. to fund rearement payments and renovation of lab.	_	
C003	Six University Units								
	UM - Missoula	Cur. Unrest.	1,602,149				Additional fuition over appropriated level. Additional class sections/support services.		×
	MSU - Bozeman	Cur, Unrest.	499,627				Additional halton over appropriated level. Retirement incentive payments.		×
_	Montana Tech of UM	Cur. Unrest.	65,244						×
	WMCUM	Cur. Unrest.	104,684				Additional ratios over appropriated level. Retirement incentive payments/scholarships and followships.	ri.	×
	MSU - Billings	Cur. Unrest.	36,363						×
	MSU - Northern	Cur. Unrest.	92,677				Additonal tuison over appropriated level. Retirement incentive payments.	_	×
000	Š							_	
	Billings Vo Tech	Cur. Unreat.	45,000				Increased lunion revenue	_	χ;
	Butte Vo Tech	Cur. Unread.	000,80				Increased tulton revenue	_	< >
	Ureal rates vo loca	Cur. Onresi.	90001				THE AREA CALLING		< >
	Missouls Vo Tech	Cur, Unrest.	000'67				Increased lust on revenue		<
	Totals - 26 Bad, Amondments		3,298,085	2,552,045	0.26	6.30	-		
D	Drivate Funds								
P0004	Ponote Realth Cam Authorities	State amerial		000 00			I one - Tarm Care Project - evaluation of MT's lang - form care services with recommendations to		×
-	Company of the Company			- Control			the legislature for any changes		:
P000	P0006* [Kealth Care Authority***	State apecial		250,000			MT Comp. Health Care Reform Project - devidop universal access plans and cost containment atrategies	5	×
	Totals - 2 Private Punds		0	340,000	00.0	00.0			

Punds have not yet been received by the state.

LBA NEL

^{**} LPC previoually determined that the 350,000 request met statuory criteria. Approving authority recertified as a continuing appropriation to allow fixed 1995 expenditures of unspent balance.

Four budget amendments request additional authority in the proprietary fund. Statute provides that a budget amendment may <u>not</u> be approved by the approving authority <u>except</u> one to spend "... additional revenue deposited in the internal service funds [proprietary] within the department [administration] or the office of the commissioner of higher education as a result of increased service demands by state agencies, Montana historical society enterprise [proprietary] revenue resulting from sales to the public...". No other exceptions exist for proprietary funds. The Montana Historical Society requests #0021 and #1155, and Department of Administration request #1151 fall within the statutory exception. The Department of Justice request #1170 is not listed in statute as an exception and therefore, does not meet statutory criteria.

Budget amendment #1181 is a recertification by the Office of Budget and Program Planning to change budget amendment #0015 (reviewed by the LFC at the June 1993 meeting) to a biennial appropriation. The request would reduce the fiscal 1994 authority by \$31,800 (the estimated unspent amount at the end of fiscal 1994) and add the same amount to fiscal 1995. Amendment #0015 added \$50,000 of federal authority to the Crime Control Division to enhance the capability of the statistical analysis center. The LFC found that the amendment met statutory criteria.

Budget amendments marked with a single asterisk would add spending authority for funds which have not yet been received by the state. The LFC may want to condition its acceptance of these amendments on receipt of the funds.

Private grant funds, #P0005 and #P0006, from the Robert Wood Johnson Foundation require a 25 percent state match. The duration of these grants span fiscal years 1995 and 1996. The requests in this report represent only the fiscal 1995 portion of the grants. However, since current level general fund will be used to provide the match for the entire grant amounts, there is no future or present increased commitment of general fund.

Table 4 shows all budget amendments that have been reviewed by the committee for the 1995 biennium, including the budget amendments being presented to the LFC in this report. Also included are the budget amendments in House Bill 4 (budget amendment bill) from the 1993 session. The total to date for the biennium is 127 amendments for \$20,251,415 and 29.88 FTE.

Table 4 Budget Amendments Reviewed 1995 Biennium

Meeting	# of Amendments	FY94	FY95	Biennial Total	FTE
House Bill 4 - 1993 Session	8	\$1,369,112	\$0	\$1,369,112	N/A
June 25, 1993	17	871,748	166,175	1,037,923	1.58
September 9, 1993	35	3,458,956	672,506	4,131,462	7.94
November 29, 1993	24	3,907,057	2,319,339	6,226,396	5.83
March 11, 1994	<u>17</u>	\$984,521	<u>\$651,831</u>	\$1,636,352	8.23
Prior Totals	101	\$10,591,394	\$3,809,851	\$14,401,245	23.58
June 9, 1994	26	\$3,298,085	\$2,552,085	\$5,850,170	6.30
Current Totals	127	\$13,889,479	\$6,361,936		27.88

Table 5 shows all requests to spend private funds that have been reviewed by the LFC for the 1995 biennium.

	Requests	Table 5 s to Spend Private 1995 Biennium	Funds		
Meeting Date	# of Requests	<u>FY94</u>	FY95	Biennial <u>Total</u>	<u>FTE</u>
June 25, 1993	0	\$0	\$0	\$0	0.00
September 9, 1993	0	0	0	0	0.00
November 29, 1993	0	0	0	0	0.00
March 11, 1994	4	1,469,835	75,000	1,544,835	2.00
Prior Totals	4	\$1,469,835	\$75,000	\$1,544,835	2.00
June 9, 1994	. 2	\$0	\$340,000	\$340,000	0.00
Current Totals	6.	\$1,469,835	Sign (

LEGISLATIVE FINANCE COMMITTEE ROLE

The LFC can neither approve nor deny proposed budget amendments or requests to spend private funds. The committee determines if the requests meet or do not meet statutory criteria and forwards its report to the approving authorities. Irrespective of the LFC findings, the approving authority <u>may</u> either approve or deny the request after the report is received. If no report is received, the approving authority <u>may</u> either approve or deny the request after 90 days of the committee meeting.

STANDARD MOTION LANGUAGE

- 1. I move that the Legislative Fiscal Analyst be authorized to notify the approving authority that budget amendment numbers 0008, 0009, 0010, 0012, 0013, 0014, 0015, 0016, 0017, 0018, 0019, 0020, 0021, 1145, 1146, 1151, 1155, 1169, 1173, 1181, U002, U003, and U004 and requests to spend private funds numbers P0005 and P0006 as submitted meet statutory criteria, with budget amendments numbers 0008, 0010, 0012, 0013, 0014, 0015, 0017, 0018, 0020, and 1169 and requests to spend private funds numbers P0005 and P0006 contingent on receipt of the funds.
- 2. I move that the Legislative Fiscal Analyst be authorized to notify the approving authority that budget amendment numbers 0011, 1098, and 1170 as submitted do not meet statutory criteria.

Attachment A

Deficient Budget Amendments

Governor's Office - Lt. Governor's Office #0011 - The Montana Rural Development Council operates under a memorandum of understanding between the state and the U.S. Department of Agriculture (USDA) and is governed by an executive committee composed of representatives from the Governor's Office; federal, local and tribal governments; and the private sector. The director was hired in the fall of 1992 and funded directly with federal (USDA) funds as part of the President's Initiative on Rural America. It was not included in House Bill 2 during the 1993 session as a federally funded state function, although it could have been administratively attached to a state agency and included in House Bill 2.

This budget amendment requests to transfer administration of an existing program from the federal government (USDA) to the State of Montana (Lieutenant Governor's Office), including spending authority for the federal funds.

The budget amendment fails to meet statutory criteria because: 1) since the program in its current form has been ongoing since the fall of 1992, it does not appear to provide additional services (documentation submitted states that under state administration the program would be operated more effectively and efficiently, but does not list specific additional services as required by statute); 2) since it is not a new program but a request for a change in administrative jurisdiction, it could have been presented to the 1993 Legislature; and 3) a reasonable alternative, continuing the program under federal administration, is available.

Department of State Lands - Forestry Program #1098 - This budget amendment fails to meet the statutory criteria because it does not: 1) provide new services; and 2) consider reasonable alternatives for funding. Services that would be funded with this amendment are already being provided. Funding options the department could consider include: 1) an appropriation transfer from fiscal 1995; 2) a request for additional authority in the supplemental bill during the 1995 Legislature; and 3) current level program funding or a program transfer from another program. The agency was budgeted \$6,889,035 federal funds in fiscal 1994 and \$6,930,999 in fiscal 1995.

The department abated fiscal 1993 revenue received from the U.S. Forest Service for services provided at the Central Land Office and reduced expenditures by \$29,731. In the department's November 1993 audit, the Legislative Auditor recommended an accounting change to record revenue and expenditures on SBAS rather than abating them so that revenue and expenditures would not be understated. Since these expenditures were not recorded on SBAS in fiscal 1992, the department did not receive appropriation authority in its 1995 biennium budget. To the extent that the services funded by these expenditures are currently being provided, this budget amendment provides no new services.

If the department continues to abate these revenues and expenditures for the remainder of fiscal 1994, the Legislature Auditor plans to again issue an audit exception.

Department of Justice - Legal Services #1170 - The agency requests increased spending authority for a proprietary account. Section 17-7-402, MCA allows some agencies to request proprietary fund spending authority through the budget amendment process, but the Department of Justice is not included in that list. Therefore, this budget amendment fails to meet statutory criteria.

RL3C:lm:ba5-31.rpt

OFFICE OF THE GOVERNOR BUDGET AND PROGRAM PLANNING

STATE OF MONTANA





PO BOX 200802 HELENA, MONTANA 59620-0802

MEMORANDUM

Some

TO: Clayton Schenck, Legislative Fiscal Analyst

Office of the Legislative Fiscal Analyst

FROM: David M. Davis, Budget Director

Office of Budget and Program Planning

RE: BUDGET AMENDMENT DENIAL

DATE: May 19, 1994

Budget Amendment request #916 of the Office of Public Instruction requests \$800,000 of School Equalization Account (SEA) funds for higher than anticipated costs of school transportation. I believe this amendment represents a commitment of general fund support in that any increased spending from the school equalization account either increases the general fund supplemental required or reduces the reversion to the general fund from the SEA. Because this amendment is in violation of 17-7-402(b) which prohibits a budget amendment making a commitment of general fund support I recommend denial.

On numerous occasions in the past, higher than anticipated costs for school transportation have been funded through supplemental appropriations. This appears to be a more appropriate way to deal with the issue contained in this budget amendment.

The Office of Public Instruction has expressed a wish to pursue a budget amendment. Because of OPI's insistence and the Legislative Finance Committee's central role in budget amendments I am forwarding the amendment for your information and discussion. I will seriously consider any recommendations which the committee may wish to make and review my denial if subsequent information indicates it is warranted.

TELEPHONE: (406) 444-3616 FAX: (406) 444-5529



The Office of Public Instruction

Nancy Keenan State Superintendent



State Capitol PO Box 202501 Helena, Montana 59620-2501 (406) 444-7362 FAX No. (406) 444-2893

May 19, 1994

TO:

Clayton Schenck, Legislative Fiscal Analyst

FROM:

Nancy Keenan K

SUBJECT: Finance Committee Agenda

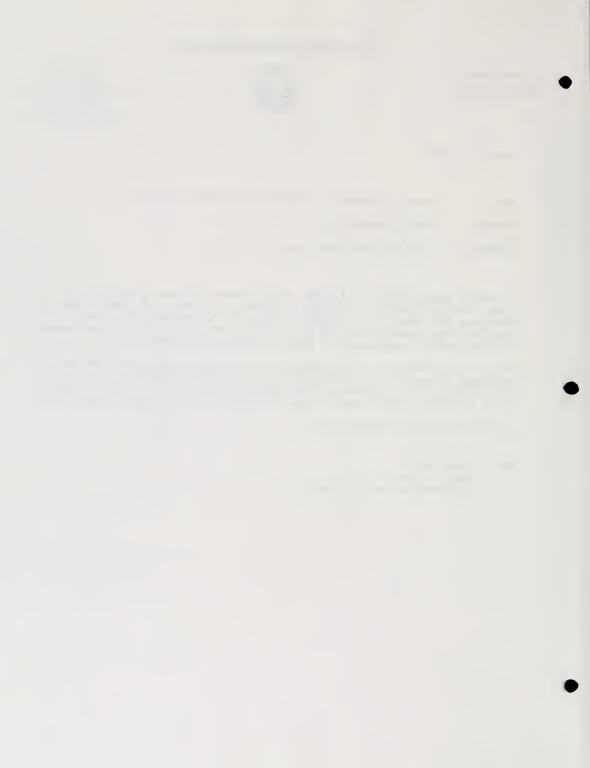
I would appreciate it if you would schedule some time for OPI on the Finance Committee agenda on June 10, 1994. I would like to discuss the need for a budget amendment in the SEA to allow us to pay the full state share of pupil transportation costs. The amount of the budget amendment is approximately \$800,000 for FY94.

We are presently in discussions with the Budget Office as to whether or not this would qualify as a budget amendment. Assuming we still have a difference of opinion on June 10, 1994, I would like to bring this issue to the attention of the Finance Committee.

Thanks for your assistance.

cc: Dave Lewis Skip Culver

Representative Ray Peck





Room 105 - State Capitol P.O. Box 201711 Helena, Montana 59620-1711 (406) 444-2986 FAX (406) 444-3036

STATE OF MONTANA Office of the Legislative Fiscal Analyst

DATE:

June 8, 1994

TO:

Legislative Finance Committee

FROM:

Roger Lloyd

Associate Fiscal Analyst

RE:

Budget Amendment Update

Due to concerns raised by Legislative Fiscal Analyst staff when they reviewed budget amendments certified by the Office of Budget and Program Planning, the following changes were made to two budget amendments.

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- Budget amendment #1151 was reduced by 0.63 FTE and \$15,149 proprietary funds.
- 2. Budget amendment #1170 was withdrawn for a reduction of \$10,000 proprietary funds.

These changes are reflected in the attached table and the table below.

Budget Ame	Cable 1 ndment Summary e 9, 1994						
	Fiscal 1994	Fiscal 1995					
Number of Amendments * 11 20							
FTE Added	0.26	6.30					
State Special \$0 \$95,000							
Federal	259,344	2,263,132					
Proprietary	71,000	193,953					
Current Unrestricted	2,957,741	0					
Total	\$3,288,085	\$2,552,085					
* 6 amendments request funding f	for both fiscal 1994 and	1995.					

Table 3 Budget Amendments & Private Funds June 9-10, 1994 LFC Meeting

			Amount	uni	Total Pitt	E		Concerne	2000
No.	Адепсу	I'unding.	I'Y 1994 I'Y 1995	1ry 1995	I'Y 1994 I'Y 1995	Y 1995	Purpose	Yes	No.
Buc	Budget Amendments								
.8000	0008* Highway Traffic Safety	Federal		40,740			Contracted services to improve the Highway Info. System & coordinate agencies using the system		×
6000		1-cdcral		90,000			Additional federal funds to payerime victims' henefits		: ×
.0010		Federal		50,000			Enhance capability of division's statistical analysis center		: ×
.100	Governor's Office	Federal		123,600		1.00	Allow state to accept federal funding for the Montana Rural Development Council Exec. Dir. position	×	
000	_					_	and associated council expenditures		
2100	Office of Public Instruction	Lederal		269,828			Federal funds (Goals 2000) awarded as grants to local school districts to develop standards		×
2 2 2		Pederal	_	179,884		2.00	rederal lunds (Goals 2000) to develop state education improvement plan		×
100		Federal		72,000			l'ederal lunds to be used to develop curneulum intergrating the arts with english instruction		×:
9100		State Special		000,50			Prodeiral grants to districts to develop curriculum intergrating the arts with english instruction		× ;
0017	_	Federal		280 000			r utchase equipment tot arriver navigation systems Totaleral funds to conduct anadom tection of final consists		< ;
.8100	_	Federal		103 673			reduction ratios to continue trainform testing of the sality as		< >
0019	Health & Environmental Sciences	Pederal		110,000			Imministration assessment activities and development of a State Imministration Information System		< >
0020	_	Federal		72,221		1.50	Continue study, identification, and initiation of legal proceedings on housing discrimination against		< ×
_					_		American Indians; expenditure of funds originally approved in HB 4 by 19931 egislature, but		:
					_		delayin recorpt of grant funds will extend project into fiscal 1995		
0051	Montana Historical Society	Proprietary		25,000		0.50	Revenue from sales for staff & computer for additional cataloging & imaging per 17-7-402, MCA		
1098	State Lands	Federal	24,300	38,000		0.20	Pay fire dispatch costs to be reimbursed by USES that were previously abated along with the revenue	×	
1145	Dept. of Labor and Industry	Federal	69,344	455,656	0.26	1.10	Provider services to workers dislocated by the closure of the Crown Pacific Inland Sawmill		×
1146	Dept. of Labor and Industry	Federal	172,500	258,750			Provider services, such as training, job search or relocation assistance, to workers dislocated by		×
							business closures due to receipt of additional Trade Adjustment Act funds		
1121	Administration	Proprietary	21,000	168,953			Paycosts due to increased mail volume and US postage increase	_	×
1155	_	Proprietary	20,000				Authority to spend additional revenue from sales to print two additional books per 17-7-402, MCA		×
1169	_	Federal	2,000	50,000			Additional federal funds for the Marijuana Fradication Program (\$12,000 in 11132)		×
1173	Department of Justice	Federal	20,000				Highway Traffic Safety pilot project with Highway Patrol (Helena) to equipears with lantop computers	_	×
1181	_	Federal	(31,800)	31,800			Enhance capability of division's statistical analysis center		×
10002		Cur. Unrest.	293,611				Plant funds, add'1 fed, rev., sales and service rev. to fund retirement payments and renovation of Jab.		:
10003	Six University Units								
	UM - Missoula	Cur, Unrest.	1,602,149				Additional turbon over appropriated level. Additional class sections/support services.		×
	MSU - Bozeman	Cur. Unrest.	499,627				Additional tution over appropriated level. Retirement incentive payments.		×
	Montana Tech of UM	Cur. Unrest.	65,244				Additional tution over appropriated level. Additional class sections/retirement incentive payments.		×
	WMCUM	Cur. Unrest.	104,684				Additional tutton over appropriated level. Retirement incentive payments/scholarships and fellowships.	°s.	×
_	MSU - Billings	Cur, Unrest.	36,363				Additional tration over appropriated level. Additional class section.		×
1001	MSU - Northern	Cur. Unrest.	92,677			_	Additional tuition over appropriated level. Retirement incentive payments.		×
000	Vocabonal Technical								
	Illings Vo I ech	Cur. Unrest.	45,000				Increased tuition revenue	_	×
	Great Palls Vo Tech	Cur, Unrest.	000,80				Increased futton revenue		×
	Missoula Vo Toch	Cur. Unrest	75 000				Increased tuition revenue		< >
	Totals - 25 Hud Amendments		3 288 085	2 552 085	0.76	6.30			
			Component	C00475547	0.40	020			
Priv	Private Funds							_	
P0005	P0005	State special		90,000			Long - Term Care Project - evaluation of MT's long - term care services with recommendations to		×
P0006	P0006 " Health Care Authority".	State special		250.000			the legislature for any changes ACL Comp. Health Cana Deform Designs I - doubles universal second and east containing at teatralise		>
	Totals - 2 Private Funds		0	340.000	000	000	MIT CORP. HEALTH CAFE INCIDITION TO SPECIAL ACCESS PRAINS AND CONTROLLED STATE BY	S	~

06:08:94 S 'B A WK!

Funds have not yet been received by the state.
 LPC previously determined that the \$50,000 request met statutory criteria. Approving authority recertified as a confinuing appropriation to allow fiscal 1995 expenditures of unspent balance.
 Private grant funds from Robert Wood Johnson Foundation require a 25% state match. Current FY 1995 general fund appropriation authority will be used to provide the match for FY 1996 grant funds.